

Appl. No. : 10/695,405
Filed : October 28, 2003

Summary of Telephonic Interview of 6/15/06

Attending

Examiner Winakur

John M. Grover (Reg. No. 42,610)

Prior Art Discussed

None

Other Matters Discussed

With respect to Claims 2 and 15, the Examiner recommended amending the claims to include a device for measuring polarization. With respect to Claim 11, Examiner Winakur preferred the amended language to comply with new PTO internal training.

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REMARKS

The Applicants thank the Examiner for his careful and thoughtful examination of the present application. By way of summary, Claims 2-21 were pending in this application. In the present amendment, the Applicants have canceled Claim 21 without prejudice or disclaimer, amended Claims 2, 11, 15, and 17-20 and added new Claim 22. Accordingly, Claims 1-21 and 22 remain pending for consideration.

The Applicants would like to thank Examiner Winakur for the interview extended to the Applicants' counsel of record, John M. Grover, on June 15, 2006. During the interview, the Applicants clarified patentably distinguishing features of the invention and an agreement was reached relating to claim language. Accordingly, the Applicants have amended Claims 2 and 15 along the lines discussed in the interview. Therefore, the Applicants respectfully request reconsideration of the pending amended claims.

Response to Objection of Claim 15

In the March 20, 2006 Office Action, Claim 15 was objected to because the term "or" should be inserted after "one." Claim 15 has been amended accordingly.

Rejection Of Claims 17-21 Under 35 U.S.C. § 112, Second Paragraph

The Office Action rejected Claims 17-21 under 35 U.S.C. § 112, ¶ 2, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter for which applicant regards as the invention because it was unclear what further structure Applicant intended to set forth. The Applicants have amended Claims 17-20 to clarify the claimed subject matter and cancelled Claim 21. Therefore, the Applicants respectfully request withdrawal of the § 112, ¶ 2 rejection of Claims 17-21.

Rejection Of Claims 2-10 Under 35 U.S.C. § 101

The Office Action rejected Claims 2-10 under 35 U.S.C. § 101, as allegedly being directed to non-statutory subject matter because the claim language "...generator which imposes" should recite "... generator configured to impose." The Applicants have amended Claim 2 to clarify the claimed subject matter of Claims 2-10. Therefore, the Applicants respectfully request withdrawal of the § 101 rejection of Claims 2-10.

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Rejection Of Claims 2-5, 10, 15-18, and 21 Under 35 U.S.C. § 102 (Repeat For Each 102 Rejection)

The Office Action rejected Claims 2-5, 10, 15-18, and 21 under 35 U.S.C. § 102 as being anticipated by U.S. patent no. 6,064,898, issued to Aldrich, (the Aldrich patent). The Applicants respectfully submit that the claims as previously pending are patentably distinguished over the Aldrich patent. Claims 2 and 15, however, have been amended to adopt the Examiner's recommendations in the interview of June 15, 2006.

Claims 3-5, and 10 which depend from Claim 2, and Claims 16-18 which depend from Claim 15, are believed to be patentable for the same reasons articulated above with respect to Claims 2 and 15, and because of the additional features recited therein. Claim 21 has been cancelled. Therefore, Applicants respectfully request withdrawal of the § 102 rejection of Claims 2-5, 10, 15-18, and 21.

Rejection Of Claims 2, 3, 5-7, 10-13, and 15-18 For Obviousness-Type Double Patenting

The Office Action rejected Claims 2, 3, 5-7, 10-13, and 15-18 under the non-statutory, obviousness-type double patenting. While the Applicants may not agree with the foregoing rejection, in order to progress the prosecution of the present application, the Applicants have attached an appropriate Terminal Disclaimer. Accordingly, the Applicants respectfully request withdrawal of the non-statutory, obviousness-type double patenting rejection of the claims.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 6/16/06

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